UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

URIEL WAYNE CATES,	
Plaintiff,	
vs.)	No. 1-10CV0055 JUDGE HAYNES
BELLSOUTH TELECOMMUNICATIONS,)	
INC., d/b/a AT&T TENNESSEE	
Defendant.	

ORDER ON PLAINTIFF'S MOTION TO REMAND AND MOTION TO STAY DISCOVERY PENDING JURISDICTIONAL DETERMINATION

Plaintiff, Uriel Wayne Cates, filed a Motion to Remand and a Motion for Costs and Expenses on July 13, 2010 (Docket Nos. 6-7), to which Defendant BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee filed a Response in Opposition on July 27, 2010 (Docket No. 9). On August 9, 2010, Plaintiff filed a Motion to Stay Discovery Pending Jurisdictional Determination (Docket No. 10), and on August 18, 2010, Defendant filed a Motion in Opposition (Docket No. 11). These motions were heard on August 27, 2010 at the Initial Case Management Conference in this matter. The Court is otherwise sufficiently advised. Based on the arguments and briefs of counsel for Plaintiff and Defendant, and the entire record,

IT IS HEREBY ORDERED that Plaintiff's Motion to Remand and Motion for Costs and Expenses and Plaintiff's Motion to Stay Discovery Pending Jurisdictional Determination are denied in their entirety.

IT IS FURTHER ORDERED that Plaintiff shall produce any wire in the possession of Mr. Cates or counsel for Mr. Cates for inspection within two (2) weeks of the Initial Case Management Conference, or by September 10, 2010. Also by September 10, 2010, Defendant

shall make available for inspection and copying any reports reflecting testing or inspection of any wire collected, examined, or obtained from the field where the accident occurred and all documents generated by Paulette Stills related to such wire, to the extent such reports and documents are not protected by the attorney-client privilege or attorney work product; any documents withheld on a claim of attorney-client privilege or attorney work product shall be noted on a privilege log in conformity with Rule 26(b)(5) of the Federal Rules of Civil Procedure, to also be produced by September 10, 2010.

IT IS FURTHER ORDERED that the parties shall appear before Judge Haynes, 815 Garden Street U.S. Post Office Building, Columbia, Tennessee at _______ am/pmon October 15, 2010 for a status conference.

It is so **ORDERED**.

ENTERED this the // day of August, 2010.

WILLIAM J. HAYNES, JR. United States District Judge

APPROVED FOR ENTRY:

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